53 S.B. CIVIL CONTEMPT PETITION NO.136/2007

Date of Order :: 27th November 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.D.S.Sodha for the petitioner
Mr.Manoj Bhandari for the respondent

While allowing the writ petition filed by the petitioner on 15.11.2006, this Court issued the directions thus:-

> "Accordingly, this petition for writ is allowed. The respondents are directed to grant selection grade to the petitioner from the date it was accorded to the persons junior to him. The respondents shall also pay interest on the arrears accrued to the petitioner in view of the directions above @ 4.5% per annum."

The petitioner has filed this contempt petition with the submissions that despite the order aforesaid, the respondents have not made requisite payment.

The contemners respondents have now filed reply stating that delay in compliance of the directions occurred because the respondent company took the matter in intra-court appeal that was dismissed by the Hon'ble Division Bench on 16.08.2007. However, it is submitted that in view of the observations made by the Hon'ble Division Bench while hearing the appeal on 26.07.2007, the respondents proceeded with

compliance and after according the petitioner selection grade with effect from 01.04.1989, have made payment of the principal amount and so also the interest due thereupon; and after deducting the amount towards income-tax and CPF, a net payment of Rs. 4,74,638/- has been made to the petitioner under office order dated 28.07.2007 (Annex.R/2).

Counsel for the petitioner does not dispute the position that the aforesaid payment has reached the petitioner, however, expresses some doubts about the calculations made by the respondents.

Having regard to the facts and circumstances, this Court is satisfied that the non-petitioners are not required to be proceeded further in these contempt proceedings and the same deserve to be dropped. It goes without saying that if there remains any other grievance with the petitioner, dropping of these proceedings shall not be of any impediment for the petitioner to take resort to appropriate remedies in accordance with law.

The contempt proceedings are dropped.

Notices are discharged.

(DINESH MAHESHWARI), J.

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